

LABOR, HOUSING & CONSUMER PROTECTION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A regular meeting of the Labor, Housing & Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on July 28, 2011.

MEMBERS PRESENT:

Presiding Officer William J. Lindsay, ex-officio member
Leg. Jon Cooper, Chairman
Leg. Kate M. Browning, Vice Chair
Leg. Thomas Cilmi
Leg. Jack Eddington
Leg. DuWayne Gregory

ALSO IN ATTENDANCE:

Leg. Edward P. Romaine, First District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Eric A. Kopp, County Executive's Office
Ed Hennessy, Aide to County Executive
Yves R. Michel, Commissioner of Economic Development and Workforce Housing
Jill Rosen-Nikoloff, Director of Affordable Housing
Paul Perillie, Aide to Majority Leader
Charles Gardner, Director of Government Affairs
Terrence G. Pearsall, Chief of Staff
Jack Caffey, Aide to Presiding Officer
Joe Muncey, Budget Review Office
Mark A. Gatz
Joseph D. Gentissi, Lobbyist/New York State
Rosemarie Krischer
James Lund, President, Lund Certified Valve Test Corp.
Mario Mattera, PLU 200
Alan Glassberg, Yipity Yap Pet Store

ALSO IN ATTENDANCE: (Continued from first page)

Ira Nierman, Vet's Choice, Canine Corral Kennels and American Eagle.

Breeders

Barbara Sanelli

Mitch Pally, Long Island Builder's Institute

Joseph DeRosa

Russ Star

Al Selmer, Selmer's Pet Land

Georgette Seiger

Brad Gruber

Colleen Savelli

Jessica Areualo

Ryan Jone

Dan McCann

Ali Nazir, Aide to Leg. Kennedy

Nancy Armstrong, Aide to Legislator Cooper

And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING WAS CALLED TO ORDER AT 1:08 PM)

CHAIRMAN COOPER:

Good afternoon everyone. I'd like to welcome you all to the July 28th meeting of the Labor, Housing and Consumer Protection Committee. Legislator Browning, if you could please lead us in the Pledge.

SALUTATION

Thank you very much and good afternoon everyone. Before we get to the agenda, we have a few folks that have filled out speakers cards. First up is Mark Gatz. Hello, Mark.

PUBLIC PORTION

MR. GATZ:

Good afternoon. On April 26th of this year I hand-delivered a letter to this Committee outlining the names of over 600 people who feel that they were cheated or ripped off by Otis Ford Inc. located in Quogue, New York. To date, July 28, 2011, I have collected 13 more names: Four victims who feel that they're victims of fraud, three more senior citizens, one bait and switch, three more people for alleged racial discrimination, one person for female gender discrimination and one retired federal agent for a total of 616 people. That averages to about a little over one person per week for the past three months. It seems that Mr. Otis doesn't care if you're a senior citizen or a federal agent.

I received your letter, Mr. Cilmi, on June 20th, 2011. Thank you kindly for responding. I appreciate your time. I respectfully -- your letter is unacceptable. In your letter you indicated that you felt there was not enough information for an investigation. Well, I disagree -- respectfully disagree. I've brought to your attention that I took 30 pictures of Suffolk County Police cars being repaired at Otis Ford; that there is a possibility that they, too, were cheated and the taxpayers of Suffolk County who paid for those repairs were also cheated.

I have yet to receive a reply from, Mr. Gregory. As you are a person of color and a gentleman, I'm sure that you have reviewed the materials that I forwarded to this Committee. I want to reiterate and emphasize the word that there were dozens of people that I mentioned that feel that they were racially discriminated against. And for the record, sir, I want you to know that I'm a member of the NAACP in Southampton, Eastern Long Island Branch, Southampton, New York.

Mr. Cooper, I also received your letter dated July 22nd, 2011. I want to thank you kindly for your time in responding. In your letter you mentioned that you were going to forward the contents to the Department of Consumer Affairs. But I want to let you know that I already went to them. They're the ones that sent me to you.

So I ask again, this Committee to please help the people, the names and addresses that I brought to your attention. Please help them. Thank you.

CHAIRMAN COOPER:

Thank you, Mr. Gatz.

The next speaker is Joseph Gentissi. And please when you come up, if you can identify yourself; just give your name and address.

MR. GENTISSI:

Sure, Mr. Cooper.

CHAIRMAN COOPER:

Thank you.

MR. GENTISSI:

Good morning, Mr. Cooper, good morning ladies and gentlemen. I'm here to lobby regarding the bill regarding the closing of the pet shops in Suffolk County.

You know, call it animal farms, call it what you wish, but socialism is socialism. The Legislator decides to turn around and has an idea that socialism is what they're going to start and what they're going to do in Nassau or Suffolk County, and Suffolk County mainly. It's like what Stalin did when he went to the farmers and said, *you'll raise what we tell you to raise*. And when they did that to prosper, he killed them.

If this resolution is passed, this body is not only killing off one but is killing off a segment of our local economy. There are too many Mom and Pop stores that have already been put out of business prompted by superstores and super malls. Every pet shop owner knows their customers, knows their children, knows their likes and dislikes. Your own Chief of Detectives, the ASPCA stated on channel 12 News that he's gone to the homes of Suffolk County breeders. And it smells deplorable. The conditions for the puppies are deplorable. Let's get a bill that's going to turn around and protect not only the dogs, but the taxpayers of Nassau County (sic).

Many groups come up and they'll rant and they'll rave and they'll state that, *well, we want protection for the animals*. Yes, we all want protection for the animals. But you do have in Missouri many breeders who are licensed and who are -- who has made sure that when they send a dog up here, that dog's in good health. You have a few that don't. But that doesn't mean the pet shops of Suffolk County are doing anything but abiding by the law, protecting their animals and serving the County not only through giving good dogs to the public and selling good dogs to the public. But if this bill happens, don't we have enough problems now with taxes?

I was at a meeting at the White House. We were invited to a dinner less than a month ago. And I must tell you something, as I guess you all know, learned people, we have a problem with taxes. And what you want to do now is close down the pet shops that bring in the revenue, vacant stores that are going to be vacated, the stores around the pet shops, they come into -- let the children look at the puppies and they go to the next store to buy a dress or to buy a cup of coffee.

What is it going to take? If Mr. Cooper's business is Nassau County -- was pointed out, and they said he did something that's wrong, I'm sure he'd fight for it. But this is what these people are doing. They're fighting for their rights; the rights of citizens of Suffolk County; the rights of businessmen and women of Suffolk County. And this is what we need to do is protect not only the animals, but the citizens and taxpayers of Suffolk County.

I believe that if this bill is passed, you are going to not only have a problem with your citizens of Suffolk County, but you're also putting everybody in jeopardy that is a citizen of the United States. You're taking away their truth, you're taking away their liberties. And the constitution makes it quite clear -- and there's a bill, if I may just pass -- and just say, if I past, I wouldn't be here, right? There's a bill and it makes it quite clear in New York General Business Law, Article 35-D prohibits Suffolk County from passing this law. If this law is passed, it not only violates Equal Protection Clause of United States of America, but the pet shops already in Suffolk County have suffered by the propaganda and what has been said about their shops. I've visited 23 shops in Suffolk County. I haven't smelled a shop that smells as good, as clean and the care that these owners give to these pets. What I'm asking is this -- this --

CHAIRMAN COOPER:

Excuse me, Mr. Gentissi, if you could please wrap up.

MR. GENTISSI:

Mr. Cooper, I'm sorry. Excuse me?

CHAIRMAN COOPER:

I said if you could please wrap up. You're past the three minutes. Thank you.

MR. GENTISSI:

I'll do exactly what I can in three minutes. Right? I think I got another ten seconds. Do I get ten seconds added on since you just asked me to wrap up?

CHAIRMAN COOPER:

I'll give you 15 seconds.

MR. GENTISSI:

You're very kind. Mr. Cooper, that's all I'm asking, And ladies and gentleman of this body, give your pet shops the opportunity, as they've been doing for many years -- you've got pet shops here that are over 70 years old. Give them the opportunity to show Suffolk County that they're on board, they've always been on board. And if the breeders have to be checked out, well, let the USDA check them out. That's all I have to say at this moment. I might be back though.

CHAIRMAN COOPER:

Thank you. Let me take this opportunity before we hear from the other speakers, and I was going to be making a formal announcement about this later this afternoon. But as everyone knows, the purpose of my bill is to deal with the very real and important problem of puppy-mills substandard breeding facilities, which everyone acknowledges is a problem.

I've met over the past several weeks with dozens of pet store owners, dozens of animal shelters, dozens of breeders. I've spoken with puppy-millers, I've spoken with national groups on both side of the issue. And I'm more convinced than ever that something needs to be done.

But I had a meeting yesterday with Legislative Counsel. And there's one legal challenge -- there were two legal questions about my bill that had to be addressed. One had to do with interstate commerce; the other one had to do with state preemption. The interstate commerce concern was adequately addressed. And Legislative Counsel believes that that's no longer an issue for us.

Initially it was my hope that we could get around the state preemption issue as well. And the bill was rewritten in an attempt to do so. But at the end of the day advice from Legislative Counsel as well as the County Attorney is that there's no way to do that; that New York State, and actually I'm going to ask Mr. Nolan to weigh in on this, but New York State law -- New York State is one of the only states that expressly preempts local municipalities from enacting an ordinance along the lines of what I'm proposing. And before I go further, George, if you could just elaborate a little bit just very briefly.

MR. NOLAN:

Correct. There are sections of state law that have to do with the regulation of pet stores. And section 753-E of the General Business Law states that those provisions that are State law will supersede any local law on the same topic. So they've stated expressly that a locality cannot pass a law regulating or licensing pet store operations. And that's the legal infirmity of this bill.

MR. GENTISSI:

That's correct, Mr. Nolan. Thank you.

CHAIRMAN COOPER:

Thank you. So that being the case -- and if anyone knows me I don't give up easily.

MR. GENTISSI:

I've been told that, Mr. Cooper, I have been told that.

CHAIRMAN COOPER:

I've already come up with the plan B that I've been told by Legislative Counsel will not run into the roadblock of State preemption. And I'm not ready to announce it now. I'll be announcing it formally tomorrow, but it's taking a completely different approach, but it's one that I think will go a long way towards addressing the concerns that I have about puppy-mills. But it's not going to involve a ban or prohibition, you know, it's a different approach.

I've already spoken to several animal advocates about this. I spoke to the Pet Industry Joint Advisory Council in Washington. And I spoke to so far four pet store owners. They all love it. And I think it's an opportunity for us to find common ground in a way that's fair and equitable to everyone.

MR. GENTISSI:

Mr. Cooper, is it safe to say that you're going to allow your pet shops in Suffolk County to work within the laws and regulations that the State and County direct?

CHAIRMAN COOPER:

Well, yes. The answer to that question is yes.

MR. GENTISSI:

Thank you very much.

CHAIRMAN COOPER:

But it goes far -- it will go beyond that. And it will, as I said, hopefully go a long way towards achieving the goal that I set forth, but again, using a different approach. And I'm excited about this and I'm hoping that this will set a national standard that can be followed by other states and municipalities.

MR. GENTISSI:

Mr. Cooper, joining hands on that, I'd say as long as the pet shop owners are regulated without a problem as they have been and as long as Suffolk County is willing to turn around and listen to what the United States government states with the constitution and with the State of New York, then we're all on the same page.

CHAIRMAN COOPER:

Thank you. I have no doubt, though, that there will be some folks on both sides of the issue that will remain opposed to my bill, some on one extreme, some on the other extreme. I'm absolutely convinced of that. But I'm very excited about this new approach. And, again, I wish I could give information now, but I don't want to let some folks know before others so I'll be making a public announcement and sending out a massive e-mail blast to both supporters of my bill and opponents of my bill letting them know about the new direction I'm going in.

So if anyone here would like to be kept apprised of what I have in mind and would like to be involved in the process of helping draft my new proposal --

MR. GENTISSI:

I would like to do that, Mr. Cooper.

CHAIRMAN COOPER:

-- please contact my office. Actually one of my Legislative Aides is right here. You could either give Nancy your contact info or you can call my office at 854-4500 or you can e-mail my office and I'd love to work with you.

MR. GENTISSI:

Mr. Cooper, after addressing the Assembly of the State of New York and the Senate of the State of New York, it's a pleasure, pleasure addressing you learned and honest people.

CHAIRMAN COOPER:

Thank you. Okay. Next speaker -- and again if anyone at this point declines to speak since your concerns have been assuaged, feel free; but if you'd like to speak, of course, that's your decision.

Next up is Joseph Gentissi. Oh, next up is Rosemarie Krischer.

AUDIENCE MEMBER:

Since you have my address and my concerns, I'm going to give my contact information.

CHAIRMAN COOPER:

Actually the main driving force behind this is after the last three hour public hearing, I had to buy pizza for all my Legislative colleagues to placate them and I'm too cheap to buy another round of pizzas.

P.O. LINDSAY:

It will be more than pizza this time.

CHAIRMAN COOPER:

Actually we got so many e-mails on this subject, both pro and con, one Legislator told me that his computer crashed.

MR. GENTISSI:

Talking about the pet shops.

CHAIRMAN COOPER:

Yes.

MR. GENTISSI:

Lot more coming.

CHAIRMAN COOPER:

Hello.

MS. KRISCHER:

Hi, I'm Rosemarie Krischer. Again, I'm curious to see what your amendment to this bill will be and I hope it does not harm our consumers rights to choice of where we want to get their puppies from, Whether it be a shelter or a pet shop. We have licenses to protect. And I just hope that you keep in consideration when amending your bill not to hurt the retailers of the County of Suffolk.

CHAIRMAN COOPER:

Rosemarie, I'll tell that the whole purpose of my new approach is to empower consumers and to reward pet stores that are trying to do the right thing. So, again, I've spoken with four pet store

owners already; all four loved the new proposal. So I'm cautiously optimistic that you'll like it as well.

MS. KRISCHER:

Okay. Because I know I called your office and I never got a call back, so.

CHAIRMAN COOPER:

Well, I literally got probably about 400 phone calls so you're probably on my list of those to call back.

MS. KRISCHER:

Okay. Well, maybe we'll speak again.

CHAIRMAN COOPER:

And, but please, if you provide your e-mail address, then that would be great. Thank you.

Next speaker is Jim Lord. Oh, I'm sorry, Jim Lund.

MR. LUND:

Good afternoon. It's Jim Lund. I have a backflow valve testing company. We have -- we do about over 4,000 tests a year. And to the best of my knowledge this bill is being pushed by two plumbing companies, whose main source of income is from doing backflow testing. And they've taken a big hit on the, you know, customer base, because they're -- companies like mine, and a lot of competition now, are doing a lot cheaper than they are and they're trying to get this law to get rid of guys like me. If the law's passed, most of the testers will probably just affiliate with another master plumber. It'll be the same guys doing the testing; just we have to charge the customers more because you have to pay the plumber. So I don't think this is going to solve any problems as far as safety. It's just going to cost the Suffolk County businesses a lot more money for the test.

Also, if the law is passed, we're going to have to -- somebody will have to track if the testers are working for a plumber. I know Suffolk County Water said they had no interest in doing that. I don't know who would keep track of all these people out there.

Also, when the new testers come out, you know, from New York State, when they get their license, they would have to somehow be -- notify Suffolk County or whoever's going to track this, that there's new testers out there. If a tester works for plumber and he leaves the company, you're going to have to find a way to see if he's still working for another master plumber.

And, also, on the New York State test forms and the Suffolk County Water Authority test forms, which are the main test forms used, there is no place to have a plumber sign off on the inspections. One thing I think would be a good idea is for Consumer Affairs to create a category for backflow testers to make sure everybody is licensed by the State and carries insurance. I think there's right now one guy out there that has a State license, but he has no insurance or corporation. And if something happens, there's going to be a problem for the consumer. That's about it.

CHAIRMAN COOPER:

Thank you very much, Mr. Lund.

Next speaker is Mario Mattera.

MR. MATTERA:

Thank you, Mr. Chair. I thank all of the Legislators for letting me speak today. My name is Mario Mattera. I'm the business agent for Plumbers Local 200 and I represent approximately 1200 members and families, which eighty percent live in Suffolk County and so do I. I'm very proud of it.

I represent over a hundred master plumbers and I also sit on the Suffolk County licensing board, which I'm proud of that, also.

You know, this came up in front of our board and it's very -- very important that IR 1465 -- and I want to thank Legislator Cooper for bringing this up, comes about. Backflow testing and license for a master plumber, you need to have a qualified plumber looking over anybody that's doing the testing, that's insured and the people that work for them are also going to be with a master plumber. He's responsible. Eight hundred and fifty three master plumbing licenses in Suffolk County right now, which is \$400 every two years, which comes out to \$341,200 for the renewal fee that actually gets generated with Suffolk County with Consumers Affairs, which that protects the nation -- protects Suffolk County residents.

The master plumber is very, very important. I've been a master plumber for 30 years now. My father's a master plumber. You know, to sit there and say that no one can go there and take the master plumbing test, please do. Go take the master plumbing test. You need to have seven years under your belt working for a master plumber before you could take that master plumbing test.

Now to install these backflows and these RPZ's, you need to be a master plumber. Why aren't we having the master plumber actually test these and fix these? You know, we're talking about a critical situation here with our potable water, our drinking water. The reason for these backflows that are going in is because we do not need to have the chemicals that are being put in our lawns, systems and raw sewage is backing up into our potable water.

I can say it again: Anybody could go and sit there and go take the master plumbing test, like everybody else that has to pay the fee of \$400 every two years. All I'm going to say again, you know, a qualified, experienced -- these gentlemen that are speaking today, yes, if you're qualified and you're experienced, please again, come on down, you have seven years, put your application in, come in front of the board and we'll be glad to listen to you.

So, please, we need this to go in front of the full Leg. We need this to get passed. And I want to commend Legislator Cooper again for bringing this forward, this very important resolution.

The other thing is, it was unanimous with all the board members that sit there in Suffolk County that are proud that they got elected to sit on this board. And I am here to represent -- speaking for this. Okay. Thank you very much.

CHAIRMAN COOPER:

Thank you, Mario. Next speaker is Alan Glassberg.

MR. GLASSBERG:

I would like to give my three minutes to my lobbyist.

CHAIRMAN COOPER:

I'm sorry, did he fill out a speaker card? Did your lobbyist fill out a speaker card? Because if not --

MR. GENTISSI:

I already spoke.

CHAIRMAN COOPER:

Oh, okay. He already spoke. Thank you very much.

MR. GENTISSI:

Do you want me to come up again?

CHAIRMAN COOPER:

No. If he already spoke, then there's no need. Right, thank you.

MR. GENTISSI:

Thank you, Mr. Cooper.

CHAIRMAN COOPER:

You're welcome, thank you.

Next speaker is Ira Nierman.

MR. GENTISSI:

He also put it on me but you said I have already spoken.

CHAIRMAN COOPER:

Thank you very much.

Next up Barbara Sanelli.

MS. SANELLI:

Barbara Sanelli. I just have a question. Your new proposal, is there going to be numerous hearings to debate it? Or are we going to vote on it at the end of August like you were going to vote on the other one?

CHAIRMAN COOPER:

Well, as with any resolution -- well, if it's a local law, there are public hearings. If it's not a local law, then there's still public portion. So, yes, the public will have an opportunity to weigh in either pro or con on the resolution. I don't know yet whether it's going to be a local law or not. But my hope is that I will lay the resolution on the table at the next meeting on Tuesday as a late starter, which means that we will either have a public hearing at the following meeting on August 16th. Or if -- again, if it's not a local law, then it could go to committee and be available for a vote in committee at the next committee meeting.

So, again, I should know by Tuesday whether or not it's a local law. We'll know what committee it's being assigned to. It may be this committee; it may be another committee. And then if you contact my office, we have your information, whether you're pro or con, I'll let you know the next opportunity for you to publically testify. But, as I said, if you have any constructive criticism about the bill or suggestions, I would hope that you would reach out to my office even in advance of that.

MS. SANELLI:

Okay. So I'm a little confused. What's the difference between a local law and then just something you throw at us?

CHAIRMAN COOPER:

George, take it. Explain.

MR. NOLAN:

Well, a resolution tends to be something that's more temporary, not permanent. It may direct a department -- one of our departments to do an action, but it's not a law that regulates behavior or has penalties. If we're looking to regulate the behavior or the conduct of our citizens, and there are penalties if people don't comply with it, that will be a local law. If we don't do those things, it's more likely to be a resolution. And a local law, as Legislator Cooper explained, has a lot more procedural requirements in terms of public hearings and the like; where as a mere resolution we can act on in a shorter timeframe.

But I don't think Legislator Cooper's looking to move either resolution or local law on this topic in a exceedingly fast fashion. I'm sure that he'll allow anybody who has an interest in whether it's a resolution or local law to have their say before the County Legislature takes action. So I don't think you have to worry about it.

CHAIRMAN COOPER:

And if I could just add to that, what Legislative Counsel said is correct, what I'm proposing, I've been advised, has never been done before. So it's brand new ground. And I don't know yet exactly how -- I have all these ideas, I've spoken to some folks. But I really am welcoming input from those concerned on either side of the issue. And I'm not planning on rushing into this. So we're not going to be voting on this, even if legally we could vote on it on August 16th, we're not going to vote on it on August 16th. So probably the earliest the vote would be would be September and maybe even beyond that. So I want to do this right. And that means I'm going to be inviting input and suggestions from a lot of folks over the coming weeks and potentially months.

MS. SANELLI:

Okay, thank you.

CHAIRMAN COOPER:

You're welcome. Thank you.

Next speaker is Mitch Pally.

MR. PALLY:

Good afternoon. I'm Mitch Pally, the CEO of Long Island Builders Institute and we're here today to support very strongly introductory resolution 1577, which is a 72-H resolution transferring land from Suffolk County to the Town of Brookhaven. The intent of that land in Ronkonkoma is then for the Town to transfer that land to the Long Island Builders Institute so that we can build our second house for returning veterans in Suffolk County.

As you know, we already have a house under construction in Sound Beach, which was donated -- the land was donated by one of our members. We've been working with Suffolk County and the Towns to try to find additional parcels on which LIBI will build at a very reduced cost homes for returning veterans from Iraq and Afghanistan, which the Rocky Point VFW helps select in that regard.

So we're very hopeful that this resolution will allow us to do the next step. And we want to thank obviously the County Executive, the Office of Economic Development and Affordable Housing, the County Legislature and in this case the Town of Brookhaven for making this possible. We look forward to groundbreaking.

The first home will be finished -- and we hope to have a complete closing and the people -- the service family in on Veterans Day. And we hope to start our second one as soon as possible. And we also have other possibilities. In East Patchogue, there's a lot that they're looking at in Bellport. The Mayor of Islandia is looking to give us an entire subdivision. So we look at this as a great opportunity for the home building industry to give back to Suffolk County in response to the need for homes for our returning veterans. And we hope that this -- the Legislature will approve this resolution so that the second home can get started.

With that I thank you very much.

CHAIRMAN COOPER:

We have a question, Mitch.

MR. PALLY:

Sure.

LEG. BROWNING:

Not so much of a question but a comment. I think we had a conversation this morning -- there's, I believe, five properties in my district that were up for auction. They did not auction because there is a covenant on it for owner-occupancy. I would recommend reaching out to Pam Greene in Real Estate and maybe Eric could help out with that.

MR. PALLY:

Sure.

LEG. BROWNING:

Because --

MR. PALLY:

I think even Jill is here. We've been working obviously very closely with Yves and Jill to try to make this happen.

LEG. BROWNING:

Right, right. And I know these properties. I don't know why -- I'm not sure right now they were not 72-H'd or why the Town of Brookhaven didn't accept them. But maybe LIBI should be looking at them and maybe you guys -- they're improved structures. Actually some of the homes look really nice. I don't think it would take that much to put some work into it. I have a lot of veterans in my district.

MR. PALLY:

Sure.

LEG. BROWNING:

So if we could move those five properties so that they're not going to be auctioned because I have real concerns about that.

MR. PALLY:

Right.

LEG. BROWNING:

I would love to see LIBI take them and do what they're doing with them.

MR. PALLY:

We will work with the County officials to try to make that happen.

LEG. BROWNING:

Thank you.

MR. PALLY:

Because we're looking for properties anywhere we can find them. We have builders who are ready to do this. All we need is the property to do it on. If we can get such property in that community to do this on, that would be great.

LEG. BROWNING:

I would love to see that happen. Thank you.

MR. PALLY:

Okay, we'll work on it. Thank you.

CHAIRMAN COOPER:

Thanks again, Mitch.

Next speaker is Joseph DeRosa.

MR. DEROSA:

Good afternoon everybody. At this time I decline my opportunity to speak due to Mr. Cooper's new bill that we look forward to seeing.

CHAIRMAN COOPER:

Thank you, Joe.

Next speaker is Russ Star.

MR. STAR:

Decline after hearing what you said.

CHAIRMAN COOPER:

You also decline to speak?

MR. STAR:

Yes, after what he said.

CHAIRMAN COOPER:

Okay. Thank you.

Next, Jackie Selmer.

MR. SELMER:

She doesn't want to speak. She wants me to speak.

CHAIRMAN COOPER:

Al, I'm sorry. Jackie Selmer. Oh, it's Jackie slash Al Selmer? Okay. I'll let it ride. I'm going to handwrite in Al.

MR. SELMER:

Hi, my name is Al Selmer. I own Selmer's Petland in Huntington, New York. It's a rare opportunity that I get to -- my wife to tell me I could speak. So I'm going to take advantage of this.

You know, Mr. Cooper, you and I had discussions about this bill that you had. One of the questions I have for you, the original abuse bill, which I think was vetoed, that was 395-2011, whatever happened to that?

CHAIRMAN COOPER:

The veto was overridden 18 to nothing.

MR. SELMER:

So what does that mean?

CHAIRMAN COOPER:

It is now in effect. As a matter of fact, I just recently received a link to the animal abuser registry

website. It hasn't gone live yet, but it was sent to me for my approval. It was just forwarded today to Legislative Counsel for his input. I just have one slight change. I think it looks great. And there are no animal abusers up -- to be put on the website yet because there were no convictions since the registry went into effect, but it should be ready to go any day now.

MR. SELMER:

As you know, I had a few points I'd asked you about. One was what's the punishment for an abuser? Why are they only on there for five years? I'm surprised actually that it passed through, but that's okay. I'm also pleased that -- I assume that you're dropping this bill as it stands?

CHAIRMAN COOPER:

I'm sorry. You're talking about the pet store bill?

MR. SELMER:

The current -- yeah, the pet store bill.

CHAIRMAN COOPER:

Yes, as I said, I'll be withdrawing the bill this afternoon.

MR. SELMER:

Okay. And also the last time I spoke before you folks, you had said to me -- the question was asked of me how would that affect my business? I said *not very much*. But oddly enough, as I also told you in our alone meeting, that it wouldn't. But I've been getting phone calls of how dare I sell puppy-mill dogs. It really has affected my business. And I think the fact -- I really value my reputation. And it's kind of tainted by this. And I'm not really pleased about that, but there's nothing I can do about it. But I think that this puppy-mill phrase that's passed around really isn't reasonable.

I was on the phone with the State Attorney General of Missouri, who turned me over to their Agricultural Department. And they have over 1200 registered breeders; also show breeders that are registered in Missouri. They also detest the word "puppy-mill" because it makes -- especially them being the home of puppy-mills, which is not what they really want because they've cleaned up tremendously. Their laws are probably three times as stringent as the federal laws. And they require those kennels to register with them.

So I appreciate your interest in abuse. I have, as you know, the same interest. But this puppy-mill thing is getting to a point where I think it's hurting retailers tremendously. And I'd just like to end with that. And I hope that this new bill that you proposed is going to work for everyone.

CHAIRMAN COOPER:

Well, thank you. Thank you, Al. And, as you know, I've met with you at some length on a couple of occasions. And I believe that you'll be supportive of the new resolution. I do want to say, however, that over the past few weeks I've spoken with a number of pet store owners in Suffolk County, some of the nicest people that you'll want to meet, some of the nastiest people you want to meet, which I guess you can say the same thing for any profession.

I'm absolutely convinced that there are pet stores in Suffolk County that source from substandard commercial breeding facilities, which are known in the vernacular as "puppy-mills". I have no doubt about this. I know -- we've checked into some of the breeding facilities. And I would hope that you would say that you would never buy from such a facility. I know that I met with a pet store owner last night, when he heard about one of the facilities, he called it a "puppy-mill". And he said that he would never source from such a place. But some of his competitors in Suffolk County are.

So, anyway -- but I believe that my new resolution will -- has come up with a way to address that. And I'm hoping that it will be in a fashion that you'll find acceptable and actually will strongly support.

MR. SELMER:

I hope so, I hope so. And I thank you very much for your time.

CHAIRMAN COOPER:

If you're not, you know where my district office is. And we'll have another meeting, I'm sure.

MR. SELMER:

I know exactly where you are.

CHAIRMAN COOPER:

Our next speaker is Georgette Geiger. Is Georgette in the auditorium? Apparently she's left.

The final speaker, then, is Brad Gruber. If Brad is still here? Okay Brad is no longer here. Would anyone else like to -- I'm sorry?

MR. GRUBER:

I'm good.

CHAIRMAN COOPER:

Oh, you're good. Thank you. Would anyone else like to address the committee during the public portion? Yes, sir. Did you fill out a speaker card?

MR. NIERMAN:

Ira Nierman.

CHAIRMAN COOPER:

Oh, yes.

MR. NIERMAN:

Hi, my name is Ira Nierman. I own several businesses in Suffolk County, all pet-related: Vet's Choice, a dog food company that is in Suffolk County, Canine Corral Kennels, which is in Suffolk county and American Eagle Breeders, which is in Suffolk County.

I'm very much looking to -- since I've been involved in this for 42 years, and I'm second generation in this, I'm very looking forward to helping Mr. Cooper with what the law is on this and to help the industry bring up a standard to the industry. It's really been tried to, have been done within ourselves unsuccessfully. But what ends up happening is that the better ones keep on doing better and making more money. And the lesser ones keep on going out of business. We happened to in Suffolk County have had a big merge of new pet stores and kennels in Suffolk County over the last six years. And in the last almost two years out of the -- all the pet stores that there were, 12 of them have, you know, gone out of business these pet dealers.

But there is a -- while you're thinking about this whole thing and putting it all together, there are a very big group of people who sell dogs that are -- out of their homes. And some of them are licensed now and they're licensed by the State. And they, in turn, you know, collect sales tax and, you know, can be inspected, etcetera. But if you were to take the 23 that are there right now, if you were to take the more than 85 of them that are doing it out of their homes, that are not paying sales tax, that are not, you know, giving a Puppy Lemon Law, you would see that there's a very large problem that we have. And if we're going to address this and try to make this, you know, better for everybody, I think we have to address the fact that people that are selling dogs, and they

all claim to say that they're selling under nine dogs, but if you just, you know, look in Newsday and you just see their phone numbers -- and now with the fact that people have -- can have four or five numbers under like T-Mobile, you can keep on changing your phone number.

So Newsday who is trying to stop these people from doing this because they only pay \$40 for an ad when we pay \$250 for an ad, they are trying to, you know, stop them. But they can't stop them. So I do have some ideas on how to, you know, bring these people out of the underground that are not paying taxes. And the facilities, the way that they're keeping their dogs in the basement aren't the nicest that I've seen. I only get to see them all because -- not all of them but some of them because I, you know, get to deliver dog food and get to just see where they tell to put the dog food and you get to see the dogs, etcetera, etcetera.

So I'm very much looking forward to having these past laws, you know, not be the ending -- past proposals to not being the law because that would have, you know, hurt a lot of people. I'd say -- out of the 21, I'd say 19 of them would have went out of business. And I'm very happy to be part of the new part of this and give you whatever experience that I have on this. Thank you very much.

CHAIRMAN COOPER:

Well, thank you. And, once again, if you can -- if you have not already contacted my office and provided your contact information, please do so and we'll be back in touch. All right. There being no further speakers, we can move to the agenda.

TABLED RESOLUTIONS

First up tabled resolutions. **IR 1222 - Adopting Local Law No. -2011, A Local Law to sunset living wage subsidies. (Cilmi)**

I'll make a motion to table.

LEG. CILMI:

Motion to approve.

CHAIRMAN COOPER:

We have a motion to approve and to table.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

Second on the motion to table.

LEG. CILMI:

On the motion.

CHAIRMAN COOPER:

Legislator Cilmi.

LEG. CILMI:

Yeah, question. Legislator Browning had -- I forget if it was a bill that we passed or something to reconstitute a committee that had been constituted some time ago. What's the status of that?

LEG. BROWNING:

Actually it was something that was done back when the Living Wage Law was first introduced. And I know the Presiding Officer sent a letter to the Department of Labor about putting that work group

together. I don't see anybody in the room right now who can respond to that. Bill, do you know much about --

P.O. LINDSAY:

I don't know, but we'll check.

LEG. BROWNING:

We can check, but I know that they were working on getting back together again to talk about it and see what can be done.

LEG. CILMI:

Again, I just think, you know, with the fiscal challenges facing our County, certainly there are challenges in the childcare industry. But, again, we have many childcare agencies that make do and arguably do a very good job of taking care of our children without the subsidy. And only a handful that use this subsidy.

So in total, I think, there are 35 childcare agencies in Suffolk County. That's 35 executive directors, it's 35 payrolls, it's 35, you know, administrations. If somehow we could take a look at what we're doing in this realm in Suffolk County and find a way to do it more efficiently, maybe we wouldn't need to provide this subsidy and maybe that's some savings that we could generate for our taxpayers. Thanks.

CHAIRMAN COOPER:

Thank you. If there is no further Legislative debate, we have a motion and a second to table IR 1222. All in favor? Opposed?

LEG. CILMI:

Opposed.

CHAIRMAN COOPER:

One in opposition. **IR 1222 tabled. (VOTE:5-1-0-0. Opposed: Leg. Cilmi)**

Next up is **IR 1255-2011 - Resolution No. -2011, Designating individual agents of the Suffolk County Society for the Prevention of Cruelty to Animals as volunteers of the County of Suffolk for the purposes of indemnification. (Cooper)** I'll make a motion to table at this time.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1255 is tabled. (VOTE: 6-0)**

Next, **IR 1465-2011 - Adopting Local Law No. -2011, A Local Law to ensure safe backflow testing in Suffolk County. (Cooper)** I'll make a motion to approve.

LEG. GREGORY:

Second.

LEG. CILMI:

On the motion I have a question. I just want to be clear about something. I don't know if there's anybody left in the room that came to speak about this or if maybe the sponsor -- Oh, Mario's here. Maybe Mario can answer this question. The folks who are doing this testing now, through the Chair --

CHAIRMAN COOPER:

Please.

LEG. CILMI:

-- are they just testing? Or what happens if they do a test and the test fails, for example?

MR. MATTERA:

You know, the problem is they may then go in and repair it. And the problem is there you are, you have to be a master --

LEG. CILMI:

Let me just interrupt you for a second, Mario.

MR. MATTERA:

Okay.

LEG. CILMI:

Are they legally permitted to do so?

MR. MATTERA:

No.

LEG. CILMI:

Okay.

MR. MATTERA:

And I'm going to tell you something. Because you need to be a master plumber. You're installing it. You actually have to use your plumbing license to install this and to perform. Just remember something, you need a plumbing license to change a faucet. I understand people changes faucets and this and that. But you know what? We're talking about our potable water. And you know what? I have no problem or the board has no problem to, please, seven years experience to be a master plumber. I tell you something, the money -- it's not fair to the master plumber that's spending \$400 every two years to get his license, be proud of getting his license. Like when, you know, some people here are getting their degrees, okay, you're very proud when you get that degree. To get your master plumbing license is a big day for the master plumber.

Please, this isn't a union thing or a non-union thing. This is something that I'm protecting. There's a lot of master plumbers, those 834 master plumbers that want to see this passed. They want to say, *I want a level playing field, go get your master plumbing license. You're touching a device that is very important to the plumbing industry.* It's just like touching natural gas. It's the same thing, Legislator Cilmi. You know what I'm saying? It's very, very important that you could have one person touch this device and next you know there's problems. So all we want is a level playing field for the master plumbers. We're very concerned about this.

LEG. CILMI:

Okay.

CHAIRMAN COOPER:

And also before we vote, I do want to point out, and I think you all have packets and there are a couple of letters, there's a part missing, but we heard from three or four town plumbers, examining boards, Islip, Babylon, Huntington, I believe one other town. The Suffolk County Plumbing Board came out in support of the resolution, the Suffolk County Fire Marshal spoke out in support. Town of Babylon Fire Marshal's Office wrote a letter in support. So we've received very broad support from

these organizations and no opposition whatsoever.

Yes, I'm sorry.

MR. LUND:
(Inaudible)

CHAIRMAN COOPER:

Well, you already spoke on this matter, sir. We're going to find a way for you to speak.

LEG. CILMI:

Through the Chair, sir. Sir, just so that, I mean, you know, we had Mario answer my question, if you have something to add, I'd be happy to allow you to do so through the Chair.

MR. LUND:

Yeah, hi, Jim Lund. We test over 4,000 a year. And when they fail, we have plumbers -- we offer the customer to call their plumber or we have the -- a couple of plumbers that we recommend that can help fix the valve. We don't fix the valves. So there's -- the testing is, you know, the State certifies the testers. It's a very simple basic test. And if you're -- and what the gentleman here said about the -- about the chemicals with their lawn sprinklers, the Suffolk County Water Authority doesn't even test the backflow valves that are in the private homes for the lawn sprinklers. They're not even tested anymore.

And as far as he was saying about a master plumber overseeing the tester, I'm sure the plumber's not -- the master plumber's not going to be out there standing next to him. If he is, it's going to a horrendous fee for that test. And it's just about -- it's just about getting rid of the competition. That's what it's coming down to. Because all the testers out there are doing it every day, we're certified, we're trained. We do it day in and day out. And we don't fix them. We just call the plumbers and we do the testing.

LEG. CILMI:
I'm done.

CHAIRMAN COOPER:

Thank you, Mr. Lund. Legislator Lindsay has a question.

P.O. LINDSAY:

Mr. Lund, let me just ask you, is your company insured?

MR. LUND:

Absolutely. And I also said --

P.O. LINDSAY:

How about your colleagues, do they carry insurance?

MR. LUND:

Who does?

P.O. LINDSAY:

You're colleagues to do backflow test?

MR. LUND:

Most of the ones that I know do. There's one guy out there that I suspect is not insured. And that's why Consumer Affairs could create a category for us to make --

P.O. LINDSAY:

See I don't -- I don't -- I wouldn't mind if there was a restricted license or something like that. But the whole reason that we license people isn't to cut down on competition. It's to protect the consumer. And first requirement is that that company carries insurance. Because if something happens, at least the consumer's protected then. There's so many fly by nights, especially crafts people. That's how most of our licensing came about. It is -- it's about consumer protection. And, you know, it isn't -- well, I don't know, maybe Consumer Affairs could look at maybe it shouldn't be master license, maybe it should be restricted, but there should be a license.

See, the other thing, too, is when we license someone, it makes that business legitimate, which means they start paying sales tax on their services. Because most of, again, and I don't mean to generalize, but the small companies that aren't licensed, they don't bother charging sales tax.

MR. LUND:

There is no sales tax on backflow inspections. Same with the car inspection, there's no sales tax.

P.O. LINDSAY:

Is that so?

MR. LUND:

I went through this with New York State --

P.O. LINDSAY:

Okay.

MR. LUND:

-- about 15 years ago and Suffolk County Water.

P.O. LINDSAY:

Okay.

MR. LUND:

If you do the work on the valve and test it together, then there's taxable.

P.O. LINDSAY:

Okay. Then you know something I don't.

MR. LUND:

I totally agree with you that we should have someone watching the backflow testers. But to have plumber -- to work for a master plumber, I'll just work for another master plumber and I'll have to raise my rates and the poor consumer's going to get killed with these prices and they're going to go skyrocketing.

P.O. LINDSAY:

But the other side of that is the consumer will have protection. He'll have insurance.

MR. LUND:

Well, we can get the insurance by just making the backflow testers, you know --

P.O. LINDSAY:

How do we do that without a license? You can't do that without a license. The license is the vehicle to protect the consumer.

MR. LUND:

Well, all the backflow testers have a New York State certification.

P.O. LINDSAY:

Does New York State certification require you have insurance?

MR. LUND:

No. But --

P.O. LINDSAY:

Well, that's why we have local licensing.

MR. LUND:

Right, but to have a master plumber do this, I don't think that the -- the master plumber's not going to be out there. He's going to send out some kid from school.

P.O. LINDSAY:

The master electrician, the master plumber, the home improvement contractor, the guy that holds the license isn't physically out in the field, but he is responsible for the men that work for him or the women that work for him out in the field.

MR. LUND:

Well, I think it'd be a lot better for the consumers in Suffolk County Water to not have to pay outrageous prices for a ten minute test. It's not really difficult. And if there's some way to have us report to the County, that would be great. I'm all in favor of that. Make sure we're licensed, insured. Thank you.

CHAIRMAN COOPER:

Actually, Mr. Lund, Legislator --

LEG. BROWNING:

No, not so much a comment for the gentleman, but, you know, when I first moved into my house, we didn't have Suffolk County Water Authority. And we got -- when the water finally came, and they told us we had to get a backflow device, and I remember asking, *what is that and how do I get one?* And *you need to call a plumber*. We had to get a -- I mean, we got a licensed, insured, certified plumber. And I think, you know, I want to make sure that if I'm getting something like that put in my home, I want to know that it's a master plumber or that they're licensed and insured.

So I think if something was to go wrong with it, I want to make sure that that same person will come back and check it out. So I think for my protection in my home, if I have a problem, I don't want to have to call some guy that I'm not sure he's certified or licensed or insured. And I think this is important because they explained to me why I needed a backflow. And so I'll support the bill.

MR. LUND:

For the -- a plumber to test that valve to see if it's working, he has to have the State certification; same as I do.

LEG. BROWNING:

But not insurance.

MR. LUND:

You know, I'm insured. I don't know about the rest of them, but I know most of the guys out there are insured. There's only one guy that I know that might not be insured.

LEG. BROWNING:

But if I have somebody come and inspect and he's New York State certified and he's not insured, and if it's inspected and not properly inspected and I wind up having a problem, then who do I go to if you don't have the insurance?

MR. LUND:

Well, a lot of my customers ask for a certification of my insurance.

LEG. BROWNING:

But you're not guaranteeing that. And I think that's what this is doing, is guaranteeing that we'll have -- these people will be insured.

CHAIRMAN COOPER:

All right. Mr. Lund, thank you very much. I believe that we have a motion and a second to approve. Is that correct? 1465. Oh, yes. All those in favor? Opposed? **IR 1465 is approved. (VOTE: 6-0)**

Next up is **IR 1478-2011 Adopting Local Law No. -2011, A Local Law to require occupational licensees to utilize the Social Security Number Verification Service (SSNVS) and the E-Verify System. (Co. Exec. Levy)**

This has to be tabled for a public hearing on November 9th. So I make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1478 is tabled. (VOTE: 6-0 Tabled for Public Hearing)**

Next, **IR 1545-2011 - Adopting Local Law No. -2011, A Local Law banning the retail sale of puppies in Suffolk County from large commercial breeding facilities ("Puppy Mills"). (Cooper)** As I announced, I plan on withdrawing this bill. But until then I make a motion to table for the public hearing. All those in favor? Opposed? **IR 1545 is tabled. (VOTE: 6-0 Tabled for Public Hearing)**.

INTRODUCTORY RESOLUTIONS

IR 1577-2011 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM No. 0200.564.00-04.00-009.00). (Co. Exec. Levy) I'll make a motion to approve.

LEG. CILMI:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1577 is approved. (VOTE: 6-0)**

And, last up, **IR 1604-2011 - Adopting Local Law No. -2011, A Local Law to ban the sale of fuel gel in Suffolk County ("Michael's Law"). (Romaine)** Once again, that has to be tabled for a public hearing so I make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1604 is tabled. (VOTE: 6-0 Tabled for Public Hearing)**

There being no further -- and would anyone else like to address this Committee? There being none, I make a motion to adjourn. Second. All in favor? Opposed? We're adjourned. Thank you. Everyone have a nice day.

**THE MEETING CONCLUDED AT 2:10 PM
{ }DENOTES SPELLED PHONETICALLY**